

03-09-07

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PATENT  
574313-3188.2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Jean-Francois Bouquet et al.  
U.S. Appln. No. : 10/657,126  
U.S. Filing Date : September 9, 2003  
Title of Invention : IMMORTAL AVIAN CELLS  
Confirm No. : 9209  
Examiner : Robert A. Zeman  
Art Unit : 1645

745 Fifth Avenue  
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Date of Deposit: March 8, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

**TERMINAL DISCLAIMER**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sirs:

This paper is supplemental to the enclosed Amendment and is being filed in response to the Office Action mailed December 11, 2006 without any prejudice, admission, surrender of subject matter, or any intention of creating any estoppel as to equivalents. Enclosed is a check which includes \$130.00 in payment of the required fee. While no other fees are believed to be due at this time, the Commissioner is hereby authorized to charge any additionally required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

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130.00 OP

I, Thomas J. Kowalski, declare that I am an agent of record and that I am authorized to execute terminal disclaimers on behalf of Merial, the assignee of the above-captioned application (“the present application”) and of U.S. Patent No. 6,255,108 (“the ‘108 patent”);

That Merial has a place of business at 29 Avenue Tony Garnier, 69007 Lyon, France;

That Merial is the assignee of the entire right, title and interest in, to and under the present application, filed September 9, 2003 as a continuation of U.S. Application Serial No. 09/842,641 filed April 27, 2001 and issued as U.S. Patent No. 6,642,042 on November 4, 2003, which is a continuation of U.S. Application Serial No. 09/194,025 filed February 12, 1999 and issued as U.S. Patent No. 6,255,108 on July 3, 2001, by virtue of the assignment from the inventors, as set out at Reel 009751 and Frame 0730, wherein said assignment was recorded at the U.S. Patent and Trademark Office on February 12, 1999;

That Merial is the assignee of the entire right, title and interest in, to and under the ‘108 patent, filed February 12, 1999, also by virtue of the assignment from the inventors, as set out at Reel 009751 and Frame 0730, wherein said assignment was recorded at the U.S. Patent and Trademark Office on February 12, 1999;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the ‘108 patent;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the ‘108 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the ‘108 patent in the event that the ‘108 patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record, empowered to sign this Statement on behalf of the assignee, states that Merial is the assignee of the patent

application and patent identified above (the present application and the '108 patent) by virtue of the assignment identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent application and patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

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